

I. INTRODUCTION

A. Purpose

To provide employees with the opportunity to earn paid sick leave from work. Sick leave may be taken in units as small as one-quarter (1/4) hour. Regulatory reference: Classified: 101 KAR 2:100, Section 2. Unclassified: 101 KAR 3:010, Section 2.

II. PROCEDURES

A. Sick Leave; Accrual

1. Full-time, seasonal, co-op, and temporary employees shall have worked and/or been on leave with pay for more than half of the work days in a month in order to receive sick leave credit for the month.
2. Part-time employees shall have worked and/or been on leave with pay for at least 100 hours in a month in order to receive sick leave credit for the month.
3. Part-time employees who work less than 100 hours a month are not entitled to sick leave with pay.
4. Emergency and per diem employees are not entitled to sick leave with pay.
5. Sick leave shall not accrue when an employee is on educational leave with pay.
6. The monthly rate at which employees accrue sick leave is one (1) working day for each month of service. The sick leave is credited to the employee upon the first day of the month following the month in which the sick leave is earned.
7. Employees shall be credited with ten (10) additional days of sick leave upon the first day of the month following the completion of 120 months of service. In computing months of total service for the purpose of being credited with the ten (10) additional days of sick leave, only the months for which employees earned sick leave shall be used. Former employees who have been rehired and who had been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where such dismissal resulted from the violation of KRS 18A.140, 18A.145, or 18A.990.

B. Sick Leave; Maximum Accrual

Sick leave may be accumulated and carried forward from one calendar year to the next with no maximum on accumulation.

C. Granting of Sick Leave With Pay

1. Accumulated sick leave with pay shall be granted by the appointing authority to an employee under the following conditions:
 - a) When an employee receives medical, dental, or optical examinations or treatment.
 - b) When an employee is disabled by sickness, injury or pregnancy. The appointing authority may require a doctor's statement attesting to the inability to perform his/her duties. Leave taken under this clause due to pregnancy is commonly known as maternity leave. It should be noted that this agency does not require a doctor's statement for maternity leave unless the leave is in excess of six (6) weeks.
 - c) When an employee is required to care for a sick or injured member of his/her immediate family for a reasonable period of time. Within this agency paternity leave is permissible under this clause. Leave of this type is limited to five (5) working days or a reasonable extension at the appointing authority's discretion. The appointing authority may require a doctor's statement supporting the need for care by the employee.
 - d) When the employee's condition, because of exposure to a contagious disease, would jeopardize the health of others at his/her duty post.
 - e) When an employee has lost by death a parent, child, brother or sister, or the spouse of any of them, or any persons related by blood or affinity (marriage) with a similarly close association. Leave under this clause shall be limited to three (3) working days and may be extended for good cause at the appointing authority's discretion.
2. Sick leave with pay cannot be used before it has been accrued.
3. Absence due to sickness, injury, or disability in excess of that authorized for such purposes may, at the request of the employee and within the discretion of the appointing authority, be charged against annual leave and/or compensatory leave.
4. At the termination of sick leave with pay not exceeding six (6) months, the appointing authority shall return the employee to his/her former position. When sick

leave with pay exceeds six (6) months, the appointing authority shall return the employee to a position for which he/she is qualified, and which resembles his/her former position as closely as circumstances permit.

5. If an absence is due to illness or injury for which Workers' Compensation benefits are received, accumulated sick leave may be used to maintain regular full salary. If paid sick leave is used, Workers' Compensation pay benefits shall be assigned to the state for the period of time the employee received paid sick leave. The employee's sick leave shall be immediately reinstated to the extent that Workers' Compensation Benefits were assigned.

D. Granting of Sick Leave Without Pay

1. An appointing authority shall grant sick leave without pay for so long as an employee is disabled by sickness, illness, or pregnancy, so long as total continuous leave does not exceed one (1) year. The appointing authority may require periodic doctor's statements attesting to the continued inability to perform his/her duties. In the case of maternity leave, this agency does not require a doctor's statement unless the leave is in excess of six (6) weeks.
2. An employee granted sick leave without pay may request that up to ten (10) days of his/her accumulated sick leave be retained.
3. Before an employee may be placed on leave of absence without pay in excess of thirty (30) working days, he/she must have used or have been paid for any accumulated annual leave unless he/she has requested to retain up to ten (10) days of accumulated annual leave.
4. It should be noted that a vacancy created by an employee on sick leave without pay can be filled immediately; however, once the employee notifies the appointing authority that he/she can resume his/her duties, the appointing authority shall return the employee to a position for which he is qualified and which resembles his/her former position as closely as circumstances permit; if there is no such position available, the rules pertaining to lay-off apply. Employees who are unable to return to work at the end of one (1) year of sick leave without pay, after being requested to return to work at least ten (10) days prior to the expiration of such leave, shall be dismissed by the appointing authority.

E. Supporting Evidence

1. An appointing authority may, require an employee to supply supporting evidence in order to receive sick leave. A supervisor's or employee's certificate may be accepted, but a medical certificate may be required, signed by a licensed practitioner and certifying to the incapacity, examination, or treatment. An

appointing authority shall grant sick leave when the application is supported by acceptable evidence.

2. An appointing authority may place on sick leave an employee whose health might be jeopardized by job duties, whose health might jeopardize others, or whose health prevents performance of duties and responsibilities, and who, on request, fails to produce a satisfactory medical certificate.

F. Requesting Sick Leave

1. Except in cases of emergency illness an employee is required to request the use of sick leave in advance from his/her supervisor or designee using the "Request for Leave" form.
2. Sick leave requests for medical, dental or optical examinations must be submitted at least seven (7) calendar days in advance.
3. In all cases of illness an employee is obligated to notify his/her immediate supervisor or designee within a reasonable period of time. Failure, to do so may be cause for denial of sick leave for the period of absence. In most cases employees are required to call their supervisor or designee within the first hour of the work day. Unauthorized and unreported absence shall be considered absence without leave and deduction of pay may be made for each period of such absence. Such absence may constitute grounds for disciplinary action.
4. Request for sick leave without pay in excess of thirty (30) working days should be submitted to the State Librarian/Commissioner in the form of a memorandum which cites the need for the leave of absence. Such requests must include a medical certificate and must specify whether or not they wish to retain any sick and/or annual leave.

G. Transfer of Sick Leave

Employees who are transferred or otherwise changed from the jurisdiction of one agency to another shall retain their accumulated sick leave in the receiving agency.

H. Sick Leave Credit

An employee shall be credited for accumulated sick leave when separated by proper resignation, layoff, retirement, or when granted leave without pay in excess of thirty (30) working days. Former employees who are reinstated or re-employed shall have unused sick leave balances revived upon appointment and placed to their credit.